MAJOR LEGAL DEVELOPMENTS IN REGARD TO SPACE ACTIVITIES: 1957–1975

G. C. M. REIJNEN

The Astronomical Institute, Utrecht, Netherlands

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Abstract. A review is given of the main elements of space law. We describe the various international organizations on space law, and particularly the history and structure of the United Nations Committee on the Peaceful Uses of Outer Space and its subcommittees. Thereafter we describe the United Nations Outer Space Treaty, its implications, and the other Treaties derived from it and established subsequently. Finally a description is given of the legal problems with regard to Earth surveying, and of those related to direct broadcasting satellites.

1. Introduction

When in 1957 the first Sputnik was launched not only international technology entered a new era; also a new branch of international law was born: space law. Lawyers all over the world followed with great interest the developments occurring after the first launching, realizing how many legal problems might develop in relation to space activities.

The years following the Sputnik launch made it clear that launchings involve international consequences, both in case of damages if the launching fails, and if at the end of its life all or a part of a satellite would fall back on the Earth.

When man first landed on the Moon, questions as to property rights on the Moon, and similar questions for other celestial bodies, although remote, became more and more pressing.

In the beginning of the space research era lawyers followed the developments carefully; later they tried to give a juridical model within which the international space community could find the legal side of space technology coordinated.

In the following Sections a review is given of the situation as to:

2. International Organizations on Space Law
3. Outer Space Treaties formulated by the United Nations
4. International Legal Problems with regard to Earth Surveying
5. Legal Problems related to Direct Broadcasting Satellites.

2. International Organizations on Space Law

The foremost organization dealing with the legal aspects of space affairs is the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) which works through its Legal Subcommittee.
Before the launching of the first artificial satellite in 1957 neither direct nor strong needs were felt for close international cooperation in space affairs. At that time space research was limited to experiments with sounding rockets, of rather short range, and was thus a national affair of the country involved. In this field there was not a direct need for intense technical cooperation, although scientific results were internationally exchanged in certain cases. The launching of the first few artificial satellites took place during the International Geophysical Year (IGY), which was an 18 months' period of very strong international cooperation in which many countries participated. The IGY was not initially set up as a framework for the launching of artificial satellites, but during the preparations of the IGY gradually the possibilities of spaceflight emerged, and it was decided to attempt to have the launching of the first satellites take place during the IGY.

From that time on space research was rooted in a field of international cooperation which was intensified when the United States offered free launching facilities for the first artificial satellites to be developed by other countries. Though the international community was given knowledge in advance of the preparations by the USSR for the launching of a satellite, the launching of Sputnik 1 on October 4, 1957 came to the USA and the Western world as a complete surprise. One of the first consequences was the establishment of NASA. The Act by which NASA was established dates from 1958. Also in international cooperation the launching of Sputnik I had far reaching effects, stimulated by the feeling of the large public that the relative 'balance of power' had changed. The USA—under the presidency of Eisenhower—sought to establish an instrument for international coordination in space affairs. In the attempts to achieve such a coordination the most appropriate medium seemed to be the United Nations. It was also understandable that the USSR, with the remarkable event of being the first 'launching Nation' in their files, was certainly not opposed to a form of international coordination of space affairs, but did not feel inclined toward the kind of cooperation sought by the USA. The USSR delegation submitted on March 15, 1958 a Resolution to the United Nations General Assembly with the essential contents that all UN action with regard to outer space be dependent upon the USSR view on disarmament, this view to be defined later (see the discussions between Academician A. Blagonravov and Dr. Hugh L. Dryden, to be dealt with hereinafter page 247 and following). The US Representative to the United Nations, Henry Cabot Lodge, asked by letter on September 2, 1958, to the Secretary-General of the United Nations, for the inclusion in the agenda of the forthcoming session of the United Nations General Assembly of the item: 'Programme for international cooperation in the field of outer space'. In this session of the General Assembly the United States and 19 other nations sponsored a Resolution on the establishment of an Ad Hoc Committee on the Peaceful Uses of Outer Space. The USSR delegation opposed this Resolution, insisting instead on acceptance of the Soviet Resolution submitted on March 15, 1958. During the debates, however, the USSR tended to accept the establishment